

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,815	07/28/2003	Kenji Morita	03560.001996.1	4350
5514 7590 06/08/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER TRAN, NHAN T	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 06/08/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/627,815	MORITA, KENJI	
	Examiner	Art Unit	
	Nhan T. Tran	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/28/2003 & 11/1/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 58-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/895,266.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 08/895,266, filed on 7/16/1997.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on 7/28/2003 & 11/01/2005 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Specification

3. The disclosure is objected to because of the following informalities: the preliminary amendment to the first sentence of specification filed 7/28/2003 does not contain the parent Patent No. 6,611,285. Specifically, the first sentence of the specification should be amended to read as --*The present application is a division of Application No. 08/895,266 filed July 15, 1997, now U.S. Patent No. 6,611,285, the entire contents of which is incorporated herein by reference.* --

Appropriate correction is required.

Claim Objections

Art Unit: 2622

4. Claims 59, 70 & 73 are objected to because of the following informalities:

In claim 59, the word "**commands**" is misspelled as "**c:onunands**."

In claim 70, the word "**the**" is misspelled as "**th**."

In claim 73, a comma (,) between "the video camera" and "which are displayed..." should be removed for consistency with the same limitations in claims 78 & 83.

Appropriate correction is required.

Double Patenting

(An Important note: This application is a voluntary division of the parent application No. 08/895,266 filed 7/16/1997, which is now US Patent No. 6,611,285. No restriction was made by the USPTO in the parent application. Thus, prohibition of double patenting rejections under 35 USC 121 does not apply. See MPEP 804.01.)

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Art Unit: 2622

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. **Claims 58-87** are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over **claims 1, 2, 5-16 of U.S. Patent No. 6,611,285**.

Regarding claims 58-72, although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims 58-72 are broader than every aspect of the patent claims 1, 2, 5-16. Specifically, the limitations *"wherein, in a case where the designations include a predetermined plurality commands for the same operation, said control unit does not control the video camera in accordance with all of the predetermined plurality of commands"* recited in the instant claims 58, 63 & 68 are encompassed by *"wherein, in case where the designations include a plurality of commands for the same (movement) operation, said control device (unit) controls the video camera in accordance with the command which is the latest."* recited in the patent claims 1, 7, 9 & 13. Because the control unit controls the video camera in accordance with **only the latest command** as required in the patent claims, the control unit **cannot, by inherency**, control the video with **all** of the predetermined plurality of commands. For dependent claims 60-62, 65-67, 70-72 of the instant application, "zoom commands" issued from one client and "transmitting" current zoom state as non-image data to other clients (other terminals) in the network are also met by patent claims 5, 6, 8, 11, 12, 15 & 16.

Art Unit: 2622

Regarding claims 73-87, the above analyses of claims 58-72 are also applied to claims 73-87 for the same limitations except for that the image signals of the video camera are displayed at the client in accordance with the designations to the client, wherein the transmitting unit does not transmit all of the image signals in accordance with the predetermined plurality of commands to the client.

However, the patent claims 1, 2, 8, 10 & 14 partially disclose a display device and that the image signals are provided to the client. As seen in the patent claims, only the latest command of the plurality of commands is effective for controlling the video camera, and thus only data in response to the latest command (not all commands) are transmitted to the client. It would be quickly recognized by one skilled in the art that the display device would be configured to not only display current zoom state of the video camera but also display the currently updated image signals so as to allow the client to view the most recently updated image in a useful and convenient fashion.

Therefore, it would have been obvious to one of ordinary skill in the art to configure the apparatus and method as claimed in the patent claims to arrive at the instant claims 73-87 such that image signals of the video camera would be transmitted to the client's terminal and displayed thereon in response to the latest command from the client but not all commands so as to enable the client to view the most recently updated video image on the display device in addition to the current zoom state in a useful and convenient fashion.

Claim Rejections - 35 USC § 102

Art Unit: 2622

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 58-87 are rejected under 35 U.S.C. 102(e) as being anticipated by Suga et al. (US 6,313,875).

Regarding claim 58, Suga discloses a controller for controlling a video camera (i.e., camera A-2 or A-1 in terminal A shown in Fig. 1) in accordance with designations input (i.e., pan, tilt, zoom) from a client (a client from terminal C), said controller comprising: an input unit (i.e. mouse, keyboard) that inputs designations from the client; and a control unit (terminal A in combination with server) that controls the video camera in accordance with the designations from the client; wherein, in a case where the designations include a predetermined plurality commands (from client of terminal C) for the same operation (i.e., pan operation), said control unit does not control the video camera in accordance with all of the predetermined plurality of commands (see Figs. 1 & 15 & 16 and col. 11, lines 20-35, wherein the control terminal A does not control the video camera A-2 in accordance with all commands from the client of terminal C since the video camera A-2 is currently used by the client of terminal B and inhibited from any control from the client from terminal C).

Regarding claim 59, Suga further discloses that in a case where the designations include a predetermined plurality of commands for the same operation (i.e., a plurality of commands from the client of terminal C as an attempt to control panning of the video camera within a period of time starting at a time within the effective remaining lock time (Fig. 15B, 606) until the remaining lock time is passed (lock time is no longer effective), said control unit controls the video camera in accordance with the latest command (the command issued at the latest time **right after the remaining lock time is passed**) of the predetermined plurality of commands (see col. 11, lines 20-35, 50-58).

Regarding claim 60, Suga clearly discloses that the predetermined plurality of commands are pan, tilt or zoom commands of the video camera (see col. 7, lines 1-12 and col. 8, lines 30-40).

Regarding claim 61, also disclosed by Suga is a transmitting unit (terminal/server; col. 6, lines 27-40) that transmits to other clients, in accordance with the designations, control information of the video camera (see Figs. 5-9; col. 7, line 33 – col. 8, line 10).

Regarding claim 62, it is clear that the controller is a camera server connected with the client via a network (see Fig. 1; col. 4, lines 39-46).

Regarding claims 63-67, these method claims are also met by the analyses of claims 58-62, respectively.

Regarding claims 68-72, these program claims are also met by the analyses of claims 58-62, respectively, wherein each of terminals A, B and C is a personal computer (col. 4, line 15) which inherently includes a computer readable medium for storing programs (i.e., indicated by flowcharts shown in Figs. 7 & 16) executed by a controller to control a video camera in accordance with the designation input from the client.

Regarding claims 73-77, these claims are also met by the analyses of claims 58-62, respectively, wherein each terminal includes a display device (Fig. 1) for displaying image signals transmitted from other terminals in accordance with the input designations (see Figs. 1-9 and col. 6, lines 26-40). It should be noted in claim 58 that the controller does not allow the client of terminal C to control the camera A-2 while it is being used by the client of terminal B (col. 11, lines 20-35). Thus, the transmitting unit does not transmit all of the image signals *in accordance* with the plurality of commands from the client of terminal C. Instead, the transmitting unit transmits image signals in accordance with the commands from the client of terminal B (currently using the video camera) to the terminal C and other terminals in the network to update camera status (col. 6, lines 26-29 and col. 7, lines 58-61).

Regarding claims 78-82, see the analyses of claims 73-77, respectively.

Regarding claims 83-87, see the analyses of claims 73-77 and note claim 68 for a computer readable medium that stores programs for controlling the video camera.

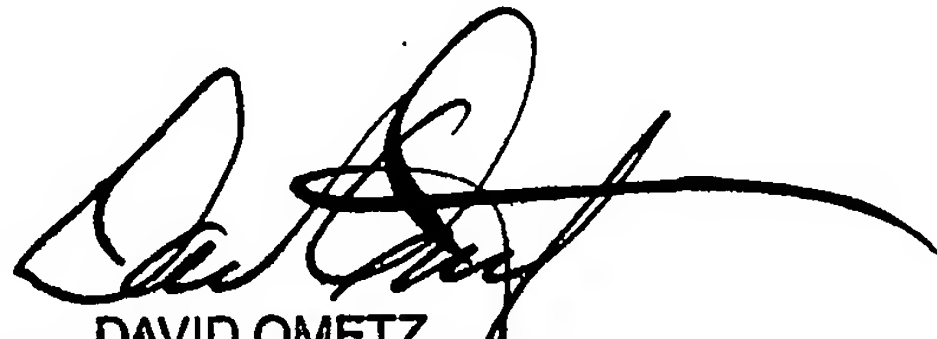
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NHAN T. TRAN
Patent Examiner


DAVID OMETZ
SUPERVISORY PATENT EXAMINER